

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL A. SMITH,

Defendant.

8:12CR252

ORDER

Defendant has moved to continue the trial currently set for March 19, 2013. The motion to continue is unopposed. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant's motion to continue [43] is granted.
- 2) The jury trial of this case is set to commence before the Honorable John M. Gerrard, United States District Judge, in the Special Proceedings Courtroom of the United States Courthouse, Omaha, Nebraska, at 9:00 a.m. on April 23, 2013, or as soon thereafter as the case may be called, for two trial days.
- 3) Based upon the showing set forth in the defendant's motion and the representations of counsel, the Court further finds that the ends of justice will be served by continuing the trial; and that the purposes served by continuing the trial date in this case outweigh the interest of the defendant and the public in a speedy trial. Accordingly, the additional time arising as a result of the granting of the motion, the time between today's date and April 23, 2013, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because despite counsel's due diligence, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1), (h)(6) & (h)(7).

Dated this 12th day of March, 2013.

BY THE COURT:

s/ F. A. Gossett, III
United States Magistrate Judge